



GEORGIA DEPARTMENT OF
COMMUNITY HEALTH

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What's New In Certificate of Need?

OFFICE OF GENERAL COUNSEL

CERTIFICATE OF NEED

Tracking And Appeals Report

Week of January 10, 2005

Georgia Department of Community Health
Office of General Counsel
2 Peachtree Street
40th Floor
Atlanta, Georgia 30303-3159

(404) 656-0456
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www.communityhealth.state.ga.us

New Applications

2005-001 Piedmont Fayette Hospital

To Develop a Five-Story Medical Office Building

Filed: 1/4/2005

Site: 1255 Highway 54 West, Fayetteville, GA 30214 (Fayette County)

Contact: Michael Burnett 770-719-7000

Estimated Cost: \$6,782,459

2005-002 Emory Crawford Long Hospital

To Purchase a PET/CT Scanner

Filed: 1/4/2005

Site: 550 Peachtree Street, NE, Atlanta, GA 30308 (Fulton County)

Contact: Toni Wimby 404-686-2450

Estimated Cost: \$2,977,782

2005-003 Canterbury Court

Expansion and Renovation of a Continuing Care Retirement Community

Filed: 1/6/2005

Site: 3750 Peachtree Road., NE, Atlanta, GA 30319 (Fulton County)

Contact: Andrea Price 404 261-6611

Estimated Cost: \$27,765,000

2005-004 Alliance Imaging, Inc.

To offer mobile Positron Emission Tomography "PET" Services in Georgia

Filed: 1/12/2005

Site: 3443 Ashford Dunwoody Rd., Suite 167, Atlanta, GA 30319 (DeKalb County)

Contact: Ryan H. Canavan 1-800-544-3215

Estimated Cost: \$12,000

Pending Review/Incomplete Applications

2004-101 Glynn-Brunswick Memorial Hospital Authority d/b/a Southeast Georgia

Cost Overrun (Project No. Ga. 025-03)

Filed: 11/8/2004 Deemed Incomplete: 11/22/2004

Site: 2415 Parkwood Drive, Brunswick, GA 31520 (Glynn County)

Contact: Marjorie Mathieu 912-466-7000

Estimated Cost: \$6,128,841

2004-109 MCG Health, Inc

Separation and Relocation of Electrophysiology (EP) Laboratory

Filed: 12/3/2004 Deemed Incomplete: 12/16/2004

Site: 1120 15th Street, Augusta, GA 30912 (Richmond County)

Contact: Sheila O'Neal 706-721-5709

Estimated Cost: \$4,371,640

2004-110 Saint Joseph's Hospital of Atlanta

Expansion of an Existing Parking Deck

Filed: 12/8/2004 Deemed Incomplete: 12/21/2004

Site: 5665 Peachtree Dunwoody Road, N.E., Atlanta, GA 30342 (Fulton County)

Contact: Douglas J. Holbrook 404 851-5933

Estimated Cost: \$3,760,000

2004-113 Macon Cardio-Vascular Institute, LLC

Acquisition of a CT Scanner

Filed: 12/17/2004 Deemed Incomplete: 1/4/2004

Site: 575 First Street, Macon, GA 31201 (Bibb County)

Contact: Joe H. Johnson 478 743-9762

Estimated Cost: \$1,490,975

2004-117 Gwinnett Bone & Joint Specialists

To install a Magnetic Resonance Imaging (MRI) System

Filed: 12/30/2004 Deemed Incomplete: 1/13/2004

Site: 2400-1 Wisteria Drive, SW, Snellville, GA 30078 (Gwinnett County)

Contact: Meg Fitton 770 985-9330

Estimated Cost: \$1,090,394

Pending Review/Complete Applications

2004-073 North Georgia Foot & Ankle Center

Establishment of Ltd Purpose Podiatric Ambulatory Surgery Center

Filed: 8/16/2004 Deemed Incomplete: 8/27/2004 Deemed Complete: 9/16/2004

Decision Deadline: 12/14/2004 Extended Deadline: 1/13/2005

Site: 146 Smitherman Road, Ringgold, GA 30736 (Catoosa County)

Contact: Portia Walker 404-257-0611

Estimated Cost: \$1,242,615

2004-086 Surgical Centers of Georgia

Addition of Third OR and Pain Management to Existing ASC

Filed: 9/10/2004 Deemed Incomplete: 9/23/2004 Deemed Complete: 9/28/2004

Decision Deadline: 12/26/2004 Extended Deadline: 1/25/2005

Site: 3556 Riverside Drive, Macon, GA 31210 (Bibb County)

Contact: George R. Vito 478-475-9250

Estimated Cost: \$967,000

2004-089 Fannin Regional Hospital

4 Bed Expansion

Filed: 9/21/2004 Deemed Incomplete: 10/4/2004 Deemed Complete: 10/29/2004

Decision Deadline: 1/26/2005

Site: 2855 Old Highway 5, North, Blue Ridge, GA 30513 (Fannin County)

Contact: Barry Mousa 706-632-3711

Estimated Cost: \$300,000

2004-090 Medical Center of Central Georgia

Relocation and Consolidation of Cardiovascular Services

Filed: 9/30/2004 Deemed Incomplete: 10/14/2004 Deemed Complete: 12/27/2004

Decision Deadline: 3/26/2005

Site: 77 Hemlock Street, Macon, GA 31201 (Bibb County)

Contact: Marvin Noles 478-633-6960

Estimated Cost: \$80,000,000

2004-093 Saint Joseph's Hospital Inc.

Addition of a Cardiac Catheterization Lab

Filed: 10/8/2004 Deemed Incomplete: 10/22/2004 Deemed Complete: 11/8/2004

Decision Deadline: 2/5/2005

Site: 11705 Mercy Blvd, Savannah, GA 31419 (Chatham County)

Contact: Michele Madison 912-819-5293

Estimated Cost: \$1,449,062

2004-094 Wellstar Kennestone Hospital

Acquire Equipment and Develop a Oncology Imaging Center

Filed: 10/22/2004 Deemed Complete: 11/4/2004

Decision Deadline: 2/1/2005

Site: 677 Church Street, Marietta, GA 30060 (Cobb County)

Contact: Caroline Aultman 770-792-1542

Estimated Cost: \$6,477,362

2004-095 Memorial Health University Medical Center, Inc.

Construction and Relocation of 2 Existing Operating Rooms

Filed: 11/1/2004 Deemed Incomplete: 11/15/2004 Deemed Complete: 12/3/2004

Decision Deadline: 3/2/2005

Site: 4700 Waters Ave, Savannah, GA 31404 (Chatham County)

Contact: Joseph R. Ross 912-350-5159

Estimated Cost: \$9,541,331

2004-097 GoldenCrest at Eagle's Landing

To Establish a Personal Care Home

Filed: 11/1/2004 Deemed Incomplete: 11/15/2004 Deemed Complete: 12/15/2004

Decision Deadline: 3/14/2005

Site: 425 Country Club Drive, Stockbridge, GA 30281 (Henry County)

Contact: Terry Carter 770-961-2200

Estimated Cost: \$1,010,000

2004-098 Emory Crawford Long Hospital

Renovate and Expansion of Emory Crawford Long

Filed: 11/5/2004 Deemed Complete: 11/19/2004

Decision Deadline: 2/16/2005

Site: 550 Peachtree Street, NE, Atlanta, GA 30308 (Fulton County)

Contact: Toni Wimby 404-686-1000 **Estimated Cost:** \$3,996,781

2004-100 WellStar Windy Hill Hospital

Second Floor Renovation

Filed: 11/5/2004 Deemed Complete: 11/19/2004

Decision Deadline: 2/16/2005

Site: 2540 Windy Hill Road, Marietta, GA 30067 (Cobb County)

Contact: Caroline Aultman 770-792-1542 **Estimated Cost:** \$4,900,296

2004-102 Habersham County Medical Center

Replacement of Mobile MRI with Permanent MRI

Filed: 11/8/2004 Deemed Complete: 11/22/2004

Decision Deadline: 2/19/2005

Site: 541 Historic Highway 441, N. P.O. Box 37, Demorest, GA 30535 (Habersham County)

Contact: James Peterson 706-754-3113 **Estimated Cost:** \$2,228,150

2004-103 Memorial Health University Medical Center, Inc.

Addition of Third Cardiac Catheterization Laboratory

Filed: 11/12/2004 Deemed Incomplete: 11/29/2004 Deemed Complete: 12/14/2004

Decision Deadline: 3/13/2005

Site: 4700 Waters Ave, Savannah, GA 31404 (Chatham County)

Contact: Joseph Ross 912-350-6500 **Estimated Cost:** \$1,497,029

2004-105 Jefferson Hospital

To Build a Medical Office Building

Filed: 11/19/2004 Deemed Incomplete: 12/3/2004 Deemed Complete: 12/15/2004

Decision Deadline: 1/28/2005

Site: 1067 Peachtree Street, Louisville, GA 30434 (Jefferson County)

Contact: Rita Culvern 478-625-7000 x200 **Estimated Cost:** \$1,644,800

2004-106 Gordon Hospital

Establish Adult Diagnostic Cardiac Catheterization Service

Filed: 11/22/2004 Deemed Incomplete: 12/7/2004 Deemed Complete: 12/20/2004

Decision Deadline: 3/19/2005

Site: 1035 Red Bud Road, Calhoun, GA 30701 (Gordon County)

Contact: Carlene Jamerson 706-602-7800 **Estimated Cost:** \$1,275,020

2004-107 Athens Regional Medical Center

Acquisition and Expansion of the Radiation Therapy Services

Filed: 11/23/2004 Deemed Complete: 12/7/2004

Decision Deadline: 3/6/2005

Site: 1199 Prince Avenue, Athens, GA 30606 (Clarke County)

Contact: Bernard Wheatley 706-475-3458 **Estimated Cost:** \$2,366,689

2004-108 The Medical Center

Acquisition of a Fixed-Base MRI

Filed: 11/24/2004 Deemed Complete: 12/9/2004

Decision Deadline: 3/8/2005

Site: 710 Center Street, Columbus, GA 31901 (Muscogee County)

Contact: T. Craig Davis 706-660-6205 **Estimated Cost:** \$2,053,000

2004-111 Summerville Surgical Center, LLC

Establish a Freestanding Limited-Purpose Ambulatory Surgical Cntr

Filed: 12/13/2004 Deemed Complete: 12/28/2004

Decision Deadline: 3/27/2005

Site: 1433 Stovall Street, Augusta, GA 30904 (Richmond County)

Contact: Gayle Evans 770 794-4944 **Estimated Cost:** \$454,440

2004-112 St. Joseph Hospital

The Expansion and Renovation of the Emergency Department

Filed: 12/14/2004 Deemed Incomplete: 12/29/2004 Deemed Complete: 1/13/2004

Decision Deadline: 4/11/2004

Site: 2260 Wrightsboro Road, Augusta, GA 30904 (Richmond County)

Contact: Raymond Owings 706 481-7000

Estimated Cost: \$2,156,988

2004-115 Floyd Medical Center

Fourth Floor-South Wing Renovation

Filed: 12/21/2004 Deemed Complete: 1/4/2005

Decision Deadline: 4/3/2005

Site: 304 Turner McCall Blvd. P.O. Box 233, Rome, GA 30162 (Floyd County)

Contact: Dan Sweitzer 706-509-3259

Estimated Cost: \$4,679,000

2004-116 University Hospital

Expansion and Renovation of Existing Hospital Facility

Filed: 12/27/2004 Deemed Complete: 1/10/2005

Decision Deadline: 4/9/2005

Site: 1350 Walton Way, Augusta, GA 30901 (Richmond County)

Contact: David Henderson 706-828-2454

Estimated Cost: \$84,500,000

Pending Review/Complete/Joined Applications

2004-091 Southern Regional Medical Center

Acquisition of a Fixed PET/CT Scanner (joined GA 096-04 & GA 099-04)

Filed: 10/1/2004 Deemed Complete: 10/15/2004

Joined: 11/12/2004 Decision Deadline: 2/9/2005

Site: 11 Upper Riverdale Road, S.W., Riverdale, GA 30274 (Clayton County)

Contact: Paul Casbergue 770-991-8000

Estimated Cost: \$4,047,181

2004-096 Gwinnett Medical Center and Joan Glancy Memorial Hospital

Acquisition of Mobile PET/CT Unit (Joined GA 091-04 & GA 099-04)

Filed: 11/1/2004 Deemed Complete: 11/12/2004

Joined: 11/12/2004 Decision Deadline: 2/9/2005

Site: 1000 Medical Center Boulevard, Lawrenceville, GA 30045 (Gwinnett County)

Contact: Mark Mullin 678-442-4193

Estimated Cost: \$2,554,799

Recently Approved Applications

2004-060 Northside Hospital - Cherokee

Establishment of Adult Cardiac Catheterization Services

Filed: 7/8/2004 Deemed Incomplete: 7/21/2004 Deemed Complete: 9/3/2004

Decision Deadline: 12/1/2004 Extended Deadline: 12/31/2004

APPROVED: 12/30/2004

Site: 201 Hospital Road, Canton, GA 30114 (Cherokee County)

Contact: Brian J Toporek 404-851-6821

Estimated Cost: \$2,891,000

2004-064 The Magnolias

Increase Bed Capacity

Filed: 7/26/2004 Deemed Incomplete: 8/6/2004 Deemed Complete: 10/1/2004

Decision Deadline: 12/29/2004

APPROVED: 12/29/2004

Site: 965 South Main Street, Conyers, GA 30127 (Rockdale County)

Contact: John Shelley 770-943-2468

Estimated Cost: \$5,000

2004-070 Hamilton Medical Center

Expansion of Existing Perinatal Service

Filed: 8/5/2004 Deemed Incomplete: 8/18/2004 Deemed Complete: 9/17/2004**Decision Deadline: 12/15/2004 Extended Deadline: 1/14/2005****APPROVED: 1/14/2005****Site:** 1200 Memorial Drive, Dalton, GA 30722 (Whitfield County)**Contact:** Keith Jennings 706-606-6000 **Estimated Cost:** \$7,000,753**2004-072 Medical Center of Central Georgia**

Relocation and Consolidation of Endoscopy Services

Filed: 8/13/2004 Deemed Complete: 8/26/2004**Decision Deadline: 11/23/2004 Extended Deadline: 12/23/2004****APPROVED: 12/16/2004****Site:** 777 Hemlock Street, Macon, GA 31201 (Bibb County)**Contact:** Marvin Noles 478-633-6960 **Estimated Cost:** \$3,149,789**2004-074 The Hughston Clinic, P.C.**

Acquisition of Fixed-Based MRI Unit

Filed: 8/18/2004 Deemed Incomplete: 8/31/2004 Deemed Complete: 9/30/2004**Decision Deadline: 12/28/2004****APPROVED: 12/16/2004****Site:** 6262 Veterans Parkway, Columbus, GA 31908 (Muscogee County)**Contact:** Mark Baker 706-494-3290 **Estimated Cost:** \$1,272,957**2004-082 Medical Center of Central Georgia**

Relocation and Expansion of Breast Center

Filed: 9/2/2004 Deemed Complete: 9/16/2004**Decision Deadline: 12/14/2004 Extended Deadline: 1/13/2005****APPROVED: 1/13/2005****Site:** 777 Hemlock Street, Macon, GA 31201 (Bibb County)**Contact:** Marvin Noles 478-633-6960 **Estimated Cost:** \$4,260,328**2004-104 Northside Hospital, Inc**

To Construct Two Enclosed Pedestrian Connectors

Filed: 11/12/2004 Deemed Complete: 11/29/2004**Decision Deadline: 1/12/2005****APPROVED: 1/7/2005****Site:** 1000 Johnson Ferry Road, Atlanta, GA 30342 (Fulton County)**Contact:** Brian Toporek 404-851-6821 **Estimated Cost:** \$5,300,000

Recently Denied Applications

None

Applications Withdrawn by Applicant

2004-075 Northlake Cancer Treatment Center, Inc.

Relocation of Existing Facility

Filed: 8/20/2004 Deemed Complete: 8/27/2004**Decision Deadline: 11/24/2004 Extended Deadline: 12/24/2004****WITHDRAWN: 12/20/2004****Site:** 5900 Hillandale Road, Lithonia, GA 30058 (DeKalb County)**Contact:** Dale McCord 770-350-0126 **Estimated Cost:** \$2,984,945**2004-099 Emory Crawford Long Hospital**

To Purchase a PET/CT Scanner (Joined GA 091-04 & GA 096-04)

Filed: 11/5/2004 Deemed Complete: 11/12/2004**Joined: 11/12/2004 Decision Deadline: 2/9/2005****WITHDRAWN: 12/22/2004**

Site: 550 Peachtree Street, NE, Atlanta, GA 30308 (Fulton County)

Contact: Toni Wimby 404-686-1000

Estimated Cost: \$2,977,782

Appealed CON Projects

2002-029 Sunbelt Home Care (Gordon)

2002-030 Healthfield Home Health, Inc.

2002-032 Amedysis Home Health of Ft. Oglethorpe

Home Health Services Expansion in HPA 1 (HHA)

Agency Decision: Approved 2002-029 and 2002-032, 8/30/02. Denied 2002-030, 8/30/02.

Appealed By: Appealed by 2002-030, 9/18/02.

Hearing Officer: Ellwood F. Oakley, III

Hearing Date: Hearing held on 1/14/03 and 01/15/03;

Hearing Decision: Hearing Officer decision pending, 2/10/03; Hearing Officer Decision affirmed Department decision, 3/29/03. Healthfield filed objections to hearing officer's decision and requested Review Board hearing 04-29-03. Review Board hearing to be held on 7-14-03.

Review Board Decision: Review Board affirmed award of CON to Amedysis Home Health of Ft. Oglethorpe on 08/12/03.

Appealed to Superior Court: Healthfield Home Health, Inc. filed Petition for Judicial Review in Superior Court of Fulton County on 9/11/03. Oral argument held on 8/4/2004.

2003-007 Cancer Treatment Center at Henry County (Henry)

Construction of Oncology Treatment Center

Agency Decision: Approved 6/16/03

Appealed By: Institute for Radiation Therapy, Inc.(IRT), Griffin Regional Radiation Therapy Center (Griffin) and Radiotherapy Clinics of Georgia (RCG) requested administrative hearing in opposition to Cancer Treatment Center at Henry County (CTC) on June 27, 2003.

Hearing Officer: Jordan E. Lubin

Hearing Date: Hearing scheduled 3-2-04 thru 3-4-04;

Hearing Decision: Hearing Officer issued Decision on 5/24/2004 and ordered the decision awarding a CON to CTC be reversed. On 6/9/2004, Hearing Officer issued Order on Motion for Reconsideration modifying his Final Decision issued on 5/24/2004 to add a footnote. Decision remains unchanged in all other respects; On 6/23/2004, CTC and the Department each filed objections to Hearing Officer's final decision. Notice of extension for Review Board meeting issued on 7/2/2004.

Review Board Decision: Review Board meeting held 8/27/2004 at 10:00. Review Board issued decision on 9/8/2004 affirming Hearing Officer's decision of 5/24/2004 and ordered the Department not issue a CON to CTC for radiation therapy service at Henry County.

Appealed to Superior Court: CTC filed Petition for Judicial Review in the Fulton County Superior Court on 10/11/2004. IRT and Griffin filed Cross Petition for Judicial Review on 10/8/2004.

Additional Information: RCG withdrew its appeal of CTC's project and on 2/24/04 the hearing officer ordered that the CON granted by the Department to RCG is deemed unopposed. Hearing shall proceed with CTC, IRT, and Griffin.

2003-070 Open MRI & Imaging of Albany, LLC (Dougherty)

Addition of Fixed-Based MRI Unit

Agency Decision: Approved January 30, 2004

Appealed By: Phoebe Putney Memorial Hospital, Inc. filed an appeal in opposition on 2/26/04; Motion to Intervene filed by Palmyra Medical Centers; motion denied by Hearing Officer on 6/10/04.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled for 8/25/2004 at 9:30am. Hearing date set for 9:30 am was postponed. Hearing rescheduled for 11/8/2004 at 9:30 am. Hearing was held on 11/8/2004 and 11/9/2004. The final day of hearing was 12/10/2004.

Hearing Decision: Pending

Additional Information: Hearing Officer issued Order denying Phoebe Putney's motion to remand and granting Open MRI's motion to quash, 11/4/2004.

2003-097 Amedisys Home Health of Augusta (Richmond)

2003-118 CSRA Diversified, Augusta (Richmond)

2003-120 CareSouth, Washington (Wilkes)

2003-122 Guardian Home Care of East Georgia (Richmond)

Establishment of New Home Health Agency in SSDR 7 (Batching Cycle)

Agency Decision: On 3/8/2004, CareSouth was approved; Amedisys, Healthfield, United, CSRA Diversified, TM Ventures, CHMG, Guardian and CSRA Nursing were denied.

Appealed By: Amedisys contests the denial of their application and the approval of CareSouth. Guardian and CSRA Diversified contests denial of their applications. Amedisys, Guardian and CSRA Diversified requests intervention in any other appeal filed in this batch; On 6/3/2004 CSRA Diversified withdrew its request for an appeal. On 6/7/2004 Guardian withdrew request for hearing. Amedisys Augusta filed objections to decision of Hearing Officer and requested oral argument before full Review Board, 12/22/2004.

Hearing Officer: Walter Van Heiningen

Hearing Date: Hearing scheduled for 9/13/04 at 9:30am.

Hearing held 9/13 - 14/2004 at 9:30am.

Hearing Decision: Hearing Officer issued decision on 11/22/2004 and ordered that DCH's decision to award a CON to CareSouth and deny a CON to Amedisys be affirmed that a CON be issued to CareSouth for it to expand into Burke, Columbia, Glascock, Jefferson, Jenkins, Richmond, Warren and Washington Counties.

Review Board Decision: Review Board meeting scheduled 1/24/2005 at 10am

2003-108 Atlanta Oncology Associates at Reynolds Plantation (Greene)

Construction of New Cancer Treatment Center

Agency Decision: Approved on 4/8/2004

Appealed By: Radiotherapy Clinics of Georgia-Covington and East Georgia Radiation Oncology Center filed opposition on 4/30/04; Oconee Regional Medical Center filed opposition on 5/5/04; MCG Health, Inc. appealed on 5/7/2004. Radiotherapy dismissed their appeal, 7/16/04. Oconee Regional dismissed their appeal on 12/29/2004.

Hearing Officer: Ellwood Oakley

Hearing Date: Hearing scheduled for 11/1/04 at 9:00am; Hearing has been re-scheduled for 1/18/2005 at 9:00am.

2003-128 Spalding Regional Medical Center (Spalding)

Development of a 20-Bed Adult Comprehensive Inpatient Rehab Unit

Agency Decision: Approved 4/23/2004.

Appealed By: Southern Regional Health System, 5/24/2004

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled for 1/10-12/2005 at 9:30am.

Additional Information: Spalding Regional relinquished GA Project No. 2003-128 effective 12/16/04.

Hearing Officer Decision: Hearing Officer issued order dismissing this matter, 1/4/2005.

2004-012 Camden Medical Center (Camden)

Development of Fixed-Based MRI Services

Agency Decision: Approved 5/28/2004.

Appealed By: Open MRI of Camden appealed on 6/23/2004.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing is scheduled for 9:30am on 10/13/2004

Hearing Decision: Hearing Officer issued decision on 10/12/2004 and ordered Camden's Motion to Dismiss is granted and Open MRI of Camden's appeal is dismissed. Open MRI of Camden filed objections to Hearing Officer's decision and requested oral argument before full Review Board, 11/9/2004.

Review Board Decision: Review Board Meeting scheduled for 12/10/2004 at 10:00 am. Review Board meeting held on 12/10/2004 at 10:00am. Review Board upheld Department's decision to issue a CON to Camden and dismissed Open MRI's appeal, 12/28/2004.

2004-022 N.Atlanta Diagnostic and Cardiovascular Center d/b/a Global Diagnostic,LLC (Fulton)

Establishment of Diagnostic Imaging Service

Agency Decision: Approved 8/31/2004.

Appealed By: Northside Hospital, 9/3/2004 and Diagnostic Imaging of Atlanta, 9/3/2004.

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled 11/15-17/2004.

Hearing Decision: Pending

2004-033 Athens Ambulatory Surgery Center, LLC (Clarke)

Establishment of Freestanding, Multi-Purpose Ambulatory Surgery Center

Agency Decision: Denied 9/16/2004

Appealed By: Applicant 10/15/2004

Hearing Officer: Melvin Goldstein

Hearing Date: TBA

2004-036 Northside Hospital (Fulton)

Acquisition of an Open MRI Unit

Agency Decision: Approved 8/10/2004.

Appealed By: First Source Diagnostic Center, Inc., 9/9/2004; North Atlanta Scan Associates, Inc, 9/9/2004.

Hearing Officer: William Joy

Hearing Date: Hearing scheduled for 12/7/2004 at 10:00am. Hearing to be rescheduled.

2004-039 First Source Diagnostic Center (Forsyth)

2004-050 Johns Creek Diagnostic Imaging Center

2004-039 Procurement of MRI Equipment

2004-050 Develop an outpatient freestanding multi-modality DTRC

Agency Decision: First Source Diagnostic Center, Inc. approved on 9/24/2004; Johns Creek Diagnostic Imaging Center approved on 9/24/2004

Appealed By: Diagnostic Imaging of Atlanta requested hearing in opposition, 10/4/2004. Johns Creek Diagnostic Imaging Center requested hearing in opposition, 10/12/2004, and requested intervention in any appeal involving Diagnostic Imaging of Atlanta to the extent that such hearing is not consolidated with the hearing requested by Johns Creek. Northside Hospital requested hearing in opposition, 10/18/2004. Emory Dunwoody requested hearing in opposition, 10/20/2004. First Source Diagnostic moved to intervene in any proceedings regarding Johns Creek Diagnostic's application and its CON, 11/3/2004.

Hearing Officer: Walter Van Heiningen

Hearing Date: Hearing scheduled for 2/15-17/2005 at 9:30am.

2004-048 Phoebe Putney Memorial Hospital Imaging Center (Dougherty)

2004-054 Albany Diagnostic Center, LLC

Development of Outpatient Imaging Center

Agency Decision: Phoebe Putney Memorial, Denied 11/5/2004; Albany Diagnostic Center, Denied 11/5/2004

Appealed By: Albany Diagnostic Center requested hearing on 11/9/2004; Phoebe Putney Memorial requestd hearing on 11/15/2004 and seeks intervention in any appeal regarding the joined application of Albany Diagnostic. Palmyra Park Hospital requested intervention in any appeal filed by Phoebe or Albany, 11/23/04. Open MRI & Imaging of Albany requested intervention in any appeal filed by Phoebe or Albany, 11/29/04..

Hearing Officer: Melvin Goldstein

Hearing Date: Hearing scheduled for 2/15/2005 - 2/18/2005

2004-050 Johns Creek Diagnostic Imaging Center (Forsyth)

Establishment of Freestanding Diagnostic Imaging Ctr

Agency Decision: Approved 9/24/2004

Appealed By: Diagnostic Imaging of Atlanta requested hearing in opposition, 10/4/2004. Northside Hospital requested hearing in opposition, 10/18/2004. Emory Dunwoody requested hearing in opposition, 10/20/2004. First Source Diagnostic moved to intervene in any proceedings regarding John Creek Diagnostic's application and its CON, 11/3/2004.

Hearing Date: Hearing scheduled 2/15-17/2005 at 9:30am.

2004-055 WellStar Kennestone Hospital (Cobb)

Addition of CyberKnife Stereotactic Radiosurgery Unit

Agency Decision: Approved 10/29/2004

Appealed By: Piedmont Hospital 11/24/2004

Hearing Officer: Ellwood Oakley

Hearing Date: TBA

2004-061 Radiotherapy Clinics of Georgia (DeKalb)

Establishment of New Radiation Therapy Services

Agency Decision: Denied 10/21/2004

Appealed By: Radiotherapy Clinics of Georgia. Atlanta Oncology filed a Motion to Intervene, 11/30/2004.

Hearing Officer: William Joy

Hearing Date: TBA

Appealed Determinations

DET-2003-001 Alliance Imaging, Inc.

Requested determination regarding acquisition and operation of mobile CT scanner. Requested hearing on determination canceling Letter of Exemption. Cancellation of Determination: 1/15/2004. Appealed by applicant on 2/3/2004. Clifford M. Weiss is Hearing Officer.

DET-2003-002 Stockbridge Diagnostic Imaging

Requested determination regarding acquisition of Refurbished Philips CT System. Requested hearing on determination canceling Letter of Exemption dated 1/15/2004. Appealed by applicant on 2/6/2004. Clifford M. Weiss is Hearing Officer.

DET-2004-069 Atlanta Oncology Associates, PC – Northside/Alpharetta Cancer Treatment Center

Change location of its radiation therapy facility and linear accelerator. Request approved on 1/21/2004 but Department cancelled its determination on 4/28/2004. Applicant requested hearing on 5/28/2004. Clifford Weiss is Hearing Officer.

DET- 2004-001 North Atlanta Scan Associates, Inc.

NASA requested hearing for the purpose of contesting the validity of a cease and desist letter issued by Department on 11/14/2003. Hearing Officer is Melvin Goldstein. Georgia Alliance of Community Hospitals, Inc. and Diagnostic Imaging of Atlanta have sought intervention. Hearing began 2/25/2004 and continued to 3/18-19/2004. Hearing Officer issued decision on 4/19/2004 denying NASA's appeal. On 6/30/2004, NASA filed Motion for Withdrawal of Final Agency Decision and Request for Rehearing, Reconsideration and Stay. On 7/14/2004, Commissioner Burgess denied NASA's motion. On 8/13/2004 NASA filed petition for judicial review in the Superior Court of Fulton County to stay the Department's decision and for injunctive relief. On 11/29/2004, Superior Court ordered NASA to cease and desist all operations at the Peachtree Dunwoody Road facility until it applies for and receives CON approval. DIA and Georgia Alliance mandamus actions were rendered moot.

DET-2004-079 United Medical System, dba PET Scans of America

United Medical Systems requested hearing on 7/7/2004 to contest cease and desist order issued by Department on 6/17/2004. Hearing Officer is Clifford Weiss.

DET-2004-036 Coliseum Medical Centers and Coliseum Surgery Center

Requested transfer of four endoscopy procedure rooms from hospital to Same-Day Surgery Center without CON review. Denied 6/17/2004. Coliseum requested a hearing on 7/15/2004. Hearing Officer is Ellwood Oakley. Hearing scheduled 12/8-9/2004. Hearing to be rescheduled.

1995-092-CAN Southern Crescent Rehabilitation & Retirement Center

Requested hearing on 10/26/2004 for the purpose of contesting a Notice of Cancellation issued by the Department. Hearing Officer is Walter Van Heiningen.

DET-2003-020-CAN Piedmont Hospital-Fayette Community Hospital

Requested hearing on 11/12/2004 to contest cancellation of Determination Letter of 2/13/2003. Hearing Officer is Ellwood Oakley.

2004-039-C&D First Source Diagnostic Center, Inc.

On 10/25/04, the Department issued a second Cease and Desist letter requiring First Source to cease offering MRI services until the resolution of all pending appeals. First Source requested hearing contesting this second cease and desist letter, 11/19/04. Hearing Officer is Walter Van Heiningen. Northside Hospital filed Motion to Intervene, 1/13/2005.

2004-039-CMP First Source Diagnostic Center, Inc.

On 12/3/2004, the Department notified First Source that civil monetary penalties had been instituted due to violation of the CON Statute. First Source requested hearing on 12/30/2004 to contest the imposed fines. Hearing Officer is Walter Van Heiningen. Northside Hospital filed Motion to Intervene, 1/13/2005.

2002-106-CAN & EXT Health Scholarships, Inc., dba Ethica Health and Retirement

Granted a CON to construct 80-bed nursing facility on 3/7/2003. On 2/20/2004 Health Scholarships requested a nine-month extension of initial twelve-month duration period. Extension denied 2/24/2004. Applicant appealed denial of extension on 3/4/2004 (2002-106-EXT). Department issued Cancellation Notice effective 3/26/2004 due to non-compliance. On 4/28/2004 Health Scholarships appealed the Department's cancellation of the CON (2002-106-CAN). Walter Van Heiningen is Hearing Officer. Hearing Officer issued decision on 7/22/2004 affirming the decision of the Department to deny the extension of time and to cancel the CON. On 8/20/2004, Health Scholarships filed Application for Review of Hearing Officer's Decision with Commissioner Burgess. Commissioner affirmed the initial decision of the hearing officer on 10/25/2004. Health Scholarships filed Petition for Judicial Review on 11/20/2004 with Superior Court of Bibb County. Department acknowledged service on 11/29/2004.

Requests For Letters Of Non-Reviewability For Establishment Of Physician-Owned Ambulatory Surgery Facilities

LNR-ASC-2004-018 Thomasville Orthopedic Ambulatory Surgery Center

Establish a physician-owned, single specialty ambulatory surgery center

Site: Smith Avenue, Thomasville, GA

Number of OR's: 2 **Specialty:** Orthopaedics

Physician(s) authorization requested: 4 - Frederick R. Nusbickel, MD; Charles E. Hancock, MD; Bradley N. Walter, MD; Richard W. Murphy, MD

Project costs as submitted: \$200,117.00

Request received: 6/14/04

Contact person: Brenda J. Fletcher, (229) 226-9141

Determination: Pending **Determination Date:**

LNR-ASC-2004-019 Meredyth Surgery Center, PC

Establish a single-specialty, physician-owned ambulatory surgery center

Site: 2709 Meredyth Drive, Suite 210, Albany, GA 31707

Number of OR's: 2 **Specialty:** Ophthalmology

Physician(s) authorization requested: 1 – Joseph Chandler Berg, MD

Project costs as submitted: \$645,500

Request received: 6/15/2004

Contact person: Neil W. Hoffman, Ph.D., J.D., (404) 815-6032

Determination: LNR Issued **Determination Date:** 12/14/2004

LNR-ASC-2004-022 Marietta Eye Clinic, PA

Develop a physician-owned, single specialty ambulatory surgery center

Site: 895 Canton Road, Building 200, Marietta, GA 30060

Number of OR's: 3 **Specialty:** Ophthalmology

Physician(s) authorization requested: 11

Project costs as submitted: \$1,358,335

Request received: 7/2/2004

Contact person: Daniel M. Beall, (770) 394-8465

Determination: Pending **Determination Date:**

LNR-ASC-2004-026 Associates Surgery Center

Operate a physician-owned, single specialty ambulatory surgery center

Site: 864 First Street, Macon, GA 31201

Number of OR's: 2 **Specialty:** Ophthalmology

Physician(s) authorization requested: 1 – J. Gregory Jones, M.D.

Project costs as submitted: \$642,000

Request received: 9/9/2004

Contact person: J. Gregory Jones, MD, (478) 741-1741

Determination: LNR Issued **Determination Date:** 12/14/2004

LNR-ASC-2004-027 Foot & Ankle Center of Middle Georgia, LLC

Establish a physician-owned, single specialty, ambulatory surgery center

Site: 1040 Morningside Drive, Perry, GA

Number of OR's: 1 **Specialty:** Podiatry

Physician(s) authorization requested: 1 - Sarvepalli D. Jokhai

Project costs as submitted: \$478,032.35

Request received: 9/8/2004

Contact person: Roger N. Phillips, (770) 335-9797

Determination: Pending **Determination Date:**

LNR-ASC-2004-029 The Orthopedic Surgery Center, LP

Operate a physician-owned, single specialty, office based ambulatory surgery center

Site: 2317 East First Street, Vidalia, GA 30474

Number of OR's: 1 **Specialty:** Orthopedics

Physician(s) authorization requested: 15

Project costs as submitted: \$923,695.00

Request received: 9/28/2004

Contact person: Michael W. Kleinpeter, (912) 695-1761

Determination: LNR Issued **Determination Date:** 12/14/2004

LNR-ASC-2004-031 The Orthopedic Surgery Center, LP

Operate a physician-owned, single-specialty, office-based ambulatory surgery center

Site: 16741 Suite A, Highway 67 South, Statesboro, GA 30458

Number of OR's: 2 **Specialty:** Orthopedics

Physician(s) authorization requested: 16

Project costs as submitted: \$1,231,045.00

Request received: 11/1/2004

Contact person: Michael W. Kleinpeter, (912) 355-0140

Determination: LNR Issued **Determination Date:** 12/20/2004

LNR-ASC-2004-032 Gwinnett Digestive Clinic, PC

Develop a physician-owned, single specialty, ambulatory surgery center

Site: 475 Philip Boulevard, Suite 304, Lawrenceville, GA 30045

Number of OR's: 2 **Specialty:** Gastroenterology

Physician(s) authorization requested: 1 – Bhuvanendram Indrakrishnan, MD

Project costs as submitted: \$238,719.30

Request received: 11/12/2004

Contact person: Gayle Evans, RN MBA, (770) 794-4944

Determination: Pending **Determination Date:**

LNR-ASC-2004-033 Carrollton Orthopaedic Clinic

Establish a physician-owned, single specialty, ambulatory surgery center

Site: 150 Clinic Avenue, Suite 101, Carrollton, GA

Number of OR's: 1 **Specialty:** Orthopaedics

Physician(s) authorization requested: 7

Project costs as submitted: \$192,480.27

Request received: 11/15/2004

Contact person: Roger N. Phillips, (770) 592-3701

Determination: Pending **Determination Date:**

LNR-ASC-2004-034 Southern Ambulatory Surgery Center, LLC

Establish a physician-owned, single specialty, ambulatory surgery center

Site: 5955 States Bridge Road, Duluth, GA 30097

Number of OR's: 2 **Specialty:** Orthopaedics

Physician(s) authorization requested: 12

Project costs as submitted: \$1,125,863.78

Request received: 11/19/2004

Contact person: Melissa P. Malcom, (770) 957-1199

Determination: Pending **Determination Date:**

LNR-ASC-2004-035 The Houston Orthopedic Surgery Center, LLC

Establish a physician-owned, single specialty, ambulatory surgery center

Site: 3051 Watson Boulevard, Suite 550, Warner Robins, GA

Number of OR's: 2 **Specialty:** Orthopedics

Physician(s) authorization requested: 5

Project costs as submitted: \$1,348,564.28

Request received: 12/7/2004

Contact person: Clyde L. Reese, III, (404) 477-2850

Determination: Pending **Determination Date:**

LNR-ASC-2004-036 DCA Diagnostics, LLC

Establish a physician-owned, single specialty ambulatory surgery center

Site: 880 Crestmark Drive, Suite 102, Lithia Springs, GA 30122

Number of OR's: 3 **Specialty:** Gastroenterology

Physician(s) authorization requested: 9

Project costs as submitted: \$1,139,887.16

Request received: 12/16/2004

Contact person: Gayle R. Evans, (770) 794-4944

Determination: Pending **Determination Date:**

LNR-ASC-2004-037 Surgery Center for Urology, LLC

Establish a physician-owned, single specialty ambulatory surgery center

Site: 290 Country Club Drive, Suite 240, Stockbridge, GA 30281

Number of OR's: 2 **Specialty:** Urology

Physician(s) authorization requested: 5

Project costs as submitted: \$1,380,588.05

Request received: 12/22/2004

Contact person: Daniel J. Mohan, (404) 504-7610

Determination: Pending **Determination Date:**

Requests for Letters of Non-Reviewability for MRI Units

LNR-MRI-2004-026 MedCross Imaging Center, Stockbridge, Georgia

Request to purchase, operate, and use a General Electric 1.5T Signa 5X MRI system and a refurbished GE CTi Spiral CT Scanner

Site: 1107 Eagle's Landing Parkway, Stockbridge, Georgia 30281

Value as Submitted: \$595,000.00 **Request Received:** 11/12/2004

Contact Person: Dr. Kuo Lam Lee (478) 374-4305

Determination: Pending **Determination Date:**

LNR-MRI-2004-027 OpenSided MRI of Atlanta, LLC, Atlanta, Georgia

Request to purchase, operate, and use a used Hitachi AIRIS MRI unit

Site: 993-C Johnson Ferry Road, Suite 105, Atlanta, Georgia 30342

Value as Submitted: \$562,085 **Request Received:** 12/1/2004

Contact Person: Michael J. McConnell, Esq. (404) 581-8526

Determination: Letter Issued **Determination Date:** 12/22/2004

LNR-MRI-2004-028 Neurology Specialists of Savannah, Savannah, Georgia

Request to purchase, operate, and use a used Hitachi AIRIS II 0.3T MRI unit

Site: 6602 Waters Avenue, Building C, Savannah, Georgia 31406

Value as Submitted: \$706,808.79 **Request Received:** 12/13/2004

Contact Person: Dr. E. Frank Lafranchise (912) 355-1010

Determination: Pending **Determination Date:**

LNR-MRI-2004-029 The Harbin Clinic, LLC, Rome, Georgia

Request to purchase, operate, and use an ONI OrthOne MRI

Site: 1825 Martha Berry Boulevard, Rome, Georgia 30161

Value as Submitted: \$437,200.00 **Request Received:** 12/15/2004

Contact Person: Kathryn MT Platt (770) 551-9550

Determination: Pending

Determination Date:

LNR-MRI-2004-030 Resurgens, PC, Lawrenceville, Georgia

Request to purchase, operate, and use a refurbished 1999 Siemens Viva Open .2t MRI System

Site: 758 Old Norcross Road, Suite 100, Lawrenceville, Georgia 30043

Value as Submitted: \$577,545.00

Request Received: 12/27/2004

Contact Person: Victor Moldovan, Esq. (770) 446-2116

Determination: Pending

Determination Date:

Requests for Miscellaneous Letters of Determination

DET-2004-124 Stockbridge Diagnostic Imaging, LLC, Stockbridge, Georgia

Request to acquire and operate a Philips MX8000 CT System at a cost below the equipment threshold for DTRCs

Request Received: 10/25/2004

Contact Person: Jason Hatchette (770) 300-0101

Determination: Pending

Determination Date:

DET-2004-130 Open MRI of Camden, LLC, Kingsland, Georgia

Request to acquire and operate a GE Lx/i HiSpeed CT System at a cost below the equipment threshold for DTRCs

Request Received: 11/1/2004

Contact Person: Kevin Carroll (912) 729-2600

Determination: Non-Reviewable as Proposed

Determination Date: 12/22/2004

DET-2004-134 Henry Medical Center, Stockbridge, Georgia

Request for determination regarding addition of CT scanner below threshold

Request Received: 11/17/2004

Contact Person: G. Sam Ahern (770) 389-2240

Determination: Pending

Determination Date:

DET-2004-142 Glynn-Brunswick Memorial Hospital Authority, Brunswick, Georgia

Golden Isles Surgical Center, Inc., Brunswick, Georgia

Request for determination regarding acquisition of freestanding surgery center

Request Received: 12/27/2004

Contact Person: Gary R. Colberg and Dr. Eric W. Friedrich

Determination: Pending

Determination Date:

DET-2005-001 Doctors Hospital Surgery Center, Evans, Georgia

Request for determination regarding addition of two minor procedure rooms at a cost below the capital expenditure threshold

Request Received: 1/4/2005

Contact Person: Jennifer D. Malinovsky, Esq. (404) 817-6136

Determination: Pending

Determination Date:

Requests for Extended Implementation/Performance Period

2003-040 The Emory Clinic, Inc.

MRI Upgrade

Request to extend performance period until March 11, 2005.

Site: 1365 Clifton Road, N.E., Atlanta (DeKalb)

Project Approved: 11/13/2003

Initial Duration Period Expiration: 11/11/2004

Contact: Mike Mason (404) 778-5000 **Approved Cost:** \$841,426

Determination: Withdrawn

Extended Initial Duration Period:

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What's New in Certificate of Need

New Certificate of Need Rules

The Board of Community Health unanimously adopted the majority of the proposed CON rules at the regular board meeting on Wednesday, December 8, with the exception of 272-2-.07(5). The proposed rules became effective January 5, 2005. The new rules are applicable to any project deemed complete after the effective date, January 5, 2005. Current pending and complete projects as of January 4, 2005 remain subject to the existing CON rules.

An updated and revised CON application is available at the Department's website. The revised application is compatible with the new rules and is required for any CON application submitted on or after January 5, 2005. Several other forms, including an opposition form, amendment and additional information form, are available at the Department's website. These forms are also compatible with the new rules and are required on or after the January 5, 2005 effective date of the new rules. A form for major equipment LNR determination requests that is compatible with the new rules is available at the Department's website. A Determination Request form will be available at the website by the end of the week.

The Department appreciates your compliance with all CON rules and regulations and looks forward to working with you during this transition period. Please forward any questions to the Department's main CON extension at 404-656-0456.

Upcoming Imaging Initiative and Guidelines for Submitting Future Certificate of Need Applications

The Department of Community Health's Division of Health Planning, along with some collaboration from CON has developed a major imaging initiative for CON Regulatory Compliance, Health Planning and Data Management documents. The Division will implement its imaging initiative in early 2005 that will

include imaging of all CON applications, Health Planning rules and component plans, and Data Management need projections, surveys, threshold guidelines, etc. The imaging initiative will be extensive and will afford greater public review and access capacity. The Department will publish more detail and information as well as a final implementation and availability date in upcoming Tracking and Appeals Reports for your convenience. Please forward any questions regarding the upcoming imaging initiative to the main Division of Health Planning extension at 404-656-0455.

In order to facilitate imaging of CON applications and associated documents, please follow the guidelines below to submit a CON application on or after the January 5, 2005 effective date for the new CON rules. With any application submitted on or after January 5, 2005 please

Do Not

- Put the application in any kind of binder
- Punch holes in the pages except as directed in the new CON application instructions
- Put separator tabs between sections
- Use colored paper except as directed in the new CON application instructions
- Use staples or paper clips
- Use paper sizes other than 8 ½" x 11" (reduce drawings as necessary to fit on regular-size paper)
- Print on both sides of the page
- Include small photographs (scan the photographs and print on 8 ½" x 11" paper)

New Rules for the State Health Planning Review Board

The State Health Planning Review Board unanimously adopted proposed updates and amendments to the Review Board Rule 274.1-.01 et seq. on December 10, 2004. The rules, as adopted, are available at the Department's website, www.dch.state.ga.us, Certificate of Need link, and the State Health Plans, Rules and Publications link. The new rules will be applicable to any appeal hearing scheduled after the December 10, 2004 effective date.